FEDERAL REGISTER

VOLUME 23 NUMBER 48

Washington, Saturday, March 8, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.357]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following March 8, 1958:

1. Paragraph (b) is amended by the deletion of the following:

Uganda, all posts.

2. Paragraph (b) is amended by the addition of the following:

Uganda, all posts except Kampala.

3. Paragraph (c) is amended by the addition of the following:

Kampala, Uganda.

(Sec. 102, Part I, E. O. 10,000, F. R. 5453, 3 CFR, 1948 Supp.)

Dated: February 27, 1958.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 58-1757; Filed, Mar. 7, 1958; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Navel Orange Reg. 138]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.438 *Navel Orange Regulation 138*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Titles 4–5 ($1.00)

Title 32, Part 1100 to end ($0.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Titles 35–37 ($1.00); Title 46, Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 9, 1958, and ending at 12:01 a. m., P. s. t., March 16, 1958, are hereby fixed as follows:

(i) District 1: 369,600 cartons;

(ii) District 2: 369,600 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 7, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–1826; Filed, Mar. 7, 1958; 11:51 a. m.]

[Valencia Orange Reg. 126]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.426 *Valencia Orange Regulation 126*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 9, 1958, and ending at 12:01 a. m., P. s. t., March 16, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 92,400 cartons.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 7, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-1825; Filed, Mar. 7, 1958; 11:51 a. m.]

[Grapefruit Reg. 284]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.902 *Grapefruit Regulations 284*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act:

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 4, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., March 10, 1958, and ending at 12:01 a. m., e. s. t., March 24, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided,* That such grapefruit which grade U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) specified in the U. S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided,* That such grapefruit which grade U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) specified in the U. S. No. 1 grade;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided,* That such grapefruit which grade U. S. No. 2 Russet, U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) and color specified in the U. S. No. 1 grade; or

(v) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-1774; Filed, Mar. 7, 1958; 8:50 a. m.]

[Orange Reg. 337]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.903 *Orange Regulation 337*—(a) *Findings.* (1) Pursuant to the mar-

keting agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 4, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., March 10, 1958, and ending at 12:01 a. m., e. s. t., March 24, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$\frac{6}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{1}{16}$ inches in diameter and smaller.

Shipments of Temple oranges, grown in the production area, are subject to the provisions of Orange Regulation 335 (7 CFR 933.899; 23 F. R. 1000).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-1773; Filed, Mar. 7, 1958; 8:49 a. m.]

[Lemon Reg. 729]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.836 *Lemon Regulation 729*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 9, 1958, and ending at 12:01 a. m., P. s. t., March 16, 1958, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 218,550 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 6, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-1802; Filed, Mar. 7, 1958; 9:05 a. m.]

Subchapter B—Prohibitions of Imported Commodities

PART 1069—LIMES

LIME REGULATION NO. 2

§ 1069.2 *Lime Regulation No. 2.* (a) On and after the effective time of this section, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes of the group known as true limes (also known as Mexican, West

Indian, and Key limes and by other synonyms) meet the requirements of at least the U. S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least the U. S. No. 2, Turning grade;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅝ inches in diameter: *Provided,* That not to exceed 5 percent, by count, of the limes in any container may fail to meet this requirement;

(4) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are smaller than 1⅞ inches in diameter have an average juice content of at least 48 percent, by volume: *Provided,* That such juice requirement shall not apply to containers of such limes containing not in excess of 5 percent of limes smaller than 1⅞ inches in diameter; and

(5) Each such importation is made in conformance with Part 1060 of this chapter applicable to the importation of listed commodities and the requirements of this section: *Provided,* That the provisions of § 1060.4 (e) of this chapter shall not apply.

(b) The Federal Inspection Service is hereby designated to perform, through inspectors authorized or licensed by such Service, the inspection and certification prescribed in § 1060.3 of this chapter. Such inspection and certification services will be available upon application in accordance with the rules and regulation governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern Califorina, importers of limes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the limes will be imported:

Ports, Office, and Advance Notice

All Texas points; W. T. McNabb, Jeffers Building, P. O. Box 111, Harlingen, Tex. (Telephone—Garfield 3-1240); 1 day.

All Arizona points; R. H. Bertelson, Room 202 Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Telephone—Atwater 7-2902); 1 day.

All California points; Carley D. Williams, 294 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Telephone—Vandike 8756); 3 days.

All other points; E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS; Washington 25, D. C. (Telephone—Republic 7-4142, Ext. 5870); 3 days.

(c) Terms relating to grade and diameter shall, when used herein, have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title; 22 F. R. 3405), and all other terms shall have the same meaning as is given to the respective term in Part 1060 of this chapter. Copies of the aforesaid standards may be obtained upon request to any office of the Federal or Federal-State Inspection Service of this Department.

(d) *Termination of Lime Regulation No. 1, as amended.* Lime Regulation No. 1, as amended (§ 1069.1 of this chapter), is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of limes as the grade, size, and quality restrictions applicable to the shipment of limes grown in Florida under Lime Order 4, as amended (§ 1001.304; 22 F. R. 2873, 3105, 4252, 6611; 23 F. R. 379, 1026); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minium that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e–1)

Dated, March 6, 1958, to become effective at 12:01 a. m., e. s. t., March 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–1781; Filed, Mar. 7, 1958; 9:05 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 361—ROUTINE

DISCONTINUANCE OF CONTRIBUTIONS ON SECTION 503 FARM HOUSING LOANS; CORRECTION

In the statement of particulars for item 1 of Federal Register Document 58–1372 appearing at 23 F. R. 1165 dated February 25, 1958, the reference to "Section 361.21 (a)" should be "Section 361.2 (a)."

Dated: March 4, 1958.

[SEAL] H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 58–1775; Filed, Mar. 7, 1958; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by sections 7 of the Vocational Rehabilitation Act, as amended, the following changes are prescribed in Part 401, in accordance with the amendments to subsections (g), (h), and (i) of section 11 of said Act by 70 Stat. 910:

1. Section 401.1 is amended by deleting paragraph (r) and inserting in lieu thereof the following:

(r) "State" means the several States, the Territories of Alaska and Hawaii, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam.

2. Section 401.50 is amended by deleting from paragraph (a) (1) the words "and the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, and Guam".

3. Section 401.51 is amended by deleting from the first sentence of paragraph (a) the words "and the Virgin Islands" and inserting in lieu thereof ", the Virgin Islands, and Guam".

(Sec. 7, 68 Stat. 658; 29 U. S. C. 37. Interpret or apply sec. 11, 68 Stat. 659, as amended; 29 U. S. C. 41)

Dated: March 3, 1958.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 58–1756; Filed, Mar. 7, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 976]

[Docket No. AO–237–A5]

MILK IN FORT SMITH, ARK., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to

proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Smith, Arkansas, on December 12, 1957, pursuant to notice thereof which was issued November 6, 1957 (22 F. R. 9016).

The material issues on the record of the hearing relate to:

1. The type of pool to be provided under the order for distributing payments to producers.
2. The need of compensatory payments on other source milk.
3. Conforming changes in a number of order provisions.

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The order should be amended to provide for the distribution of returns to producers on an individual-handler pool basis instead of on a marketwide pool basis as presently provided.

This change is proposed by the Central Arkansas Milk Producers Association. This cooperative association represents approximately two-thirds of the producers in the Ft. Smith marketing area. The proponent cooperative contends that all producers in the market do not share equal responsibility in providing an adequate supply of milk, including the necessary reserve amounts, and that this condition is engendered by the pooling arrangements provided in the order.

A marketwide pool, operates satisfactorily in accommodating, for reasons of efficient handling, the concentration of the necessary reserve of the market in specialized manufacturing facilities only if such necessary reserve is made available for Class I use when it is needed for this purpose in the market. In this market, however, reserve supplies have not been available for Class I use when needed and, hence, the marketwide pool has not operated satisfactorily.

In this market, except as the cooperative may be a handler from time to time for milk diverted for its account, there are only two handlers. These handlers pursue completely independent policies and practices in procurement and supply arrangements. One of the handlers utilizes a substantial portion of its receipts from producers in Class II. The other handler uses relatively little milk in Class II. During the last three years, for instance, monthly Class II utilization in one plant has ranged from 5 to 14 percent of producer receipts; while in the other plant, from 10 to 45 percent of producer receipts was utilized as Class II.

Although one of the handlers has retained a considerable portion of Class II milk, there has been no transfer of supplies from the handler with high Class II utilization to the handler with little Class II milk when the latter has been short. As a consequence, the Class II milk in the market has not been performing the function expected of the market reserve in Class II milk. Under the circumstances, it must be concluded that the marketwise pooling arrangement provided in this order has not been serving the purpose assigned to it.

By changing the order pooling provisions to provide for individual handler pooling in this market, each handler will be required to obtain and dispose of his own reserve supplies of milk. This will tend to relieve the market from carrying unnecessary reserves which are not generally available for Class I purposes when necessary. It will also tend to distribute more efficiently, as between the two handlers, the necessary reserves of milk. It is concluded, therefore, that the order should be amended to provide individual handler pooling.

2. *Compensatory payments.* A provision in the present order, suspended January 1, 1956, providing compensatory payments on milk sold in the area by handlers regulated under another order is no longer effective and therefore is deleted from the proposal recommended herein. A proposal to include a provision for payments on milk from other sources is denied. Any plant, not now regulated by a Federal milk order, distributing fluid milk products in the Fort Smith marketing area will be automatically regulated, thus negating any need for such payments.

3. *Conforming changes.* The entire order is redrafted to incorporate conforming provisions in the order to accommodate the necessary changes in the type of pooling.

The recommended marketing agreement and order should contain a provision for the determination of equivalent price quotations in the event the price quotations provided for should be discontinued or otherwise be unavailable to the market administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, marketing area.* "Fort Smith, Arkansas, Marketing Area", hereinafter called the marketing area, means all territory within the corporate limits of Fort Smith, Arkansas, and Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant other than an approved plant.

§ 976.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided,* That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 976.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 976.90 multiplied by the number of days in such month for which the handler receives milk from the producer.

§ 976.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of February through July which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no dairy average base has been established pursuant to § 976.90.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 976.84 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 976.30 through 976.32;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to §§ 976.80 through 976.84;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 975.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, each handler's uniform price(s) computed pursuant to § 976.71 or § 976.72, as applicable, and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month, and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative as-

sociation, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That is, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 through 976.46.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification;

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of recepits and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant, and

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 976.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers

in the form of milk, skim milk or cream according to its classification as determined pursuant to § 976.44 (a).

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of § 976.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Pet Milk Co., Siloam Springs, Arkansas
Sugar Creek Creamery, Russellville, Arkansas
Ozark Creamery, Ozark, Arkansas

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25:

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 976.53 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 through 976.46, 976.50 through 976.53, 976.70 through 976.72, 976.80 through 976.85, 976.90 and 976.91, shall not apply to a producer-handler.

§ 976.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except that:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 976.71 *Computation of uniform prices for handlers.* For each of the months of August through January the market administrator shall compute for each handler a uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Adjust the amount computed pursuant to § 976.70 for each one-tenth percent that the average butterfat test of milk received from producers by such handler is less or more than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 976.81 and multiplying the result by the total hundredweight of milk received from producers.

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(c) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content.

§ 976.72 *Computation of the uniform prices for base and excess milk for each handler.* For each of the months of February through July, the market administrator shall compute for each handler with respect to milk received from producers, a uniform price for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Follow the computations and adjustments provided for in § 976.71 (a) and (b);

(b) Compute the value of excess milk, received by such handler from producers,

by multiplying the quantity of such milk, not in excess of the total Class II milk included in this computation, by the Class II price; multiply the remaining excess milk by the Class I price and add together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for such handler for excess milk of 4.0 percent butterfat received from producers;

(d) Subtract, for each handler, the value of such handler's excess milk obtained in paragraph (c) of this section from the value of all milk obtained for such handler pursuant to paragraphs (a), (b), and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of such handler's base milk included in this computation. The result shall be such handler's uniform price for base milk of 4.0 percent content.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 976.71 for all milk received from such producer if such preceding month was any of the months of August through January, or (2) at not less than the uniform price for base milk computed pursuant to § 976.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 976.72, with respect to excess milk received from such producer, if such preceding month was any of the months of February through July in each case adjusted by the butterfat differential computed pursuant to § 976.81 and less the amount of the payment made pursuant to paragraph (b) of this section.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so request, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 976.81 *Producer butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.83 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 976.31.

§ 976.84 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.85 *Termination of obligation.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 976.90 *Computation of daily average base for each producer.* For the months of February through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 976.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which required further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 976.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 976.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 5th day of March 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, AMS.

[F. R. Doc. 58-1762; Filed, Mar. 7, 1958; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 228]

[Economic Regs. Draft Release 91]

EMBARGOES ON CARGO

NOTICE OF PROPOSED RULE MAKING

MARCH 5, 1958.

Notice is hereby given that the Civil Aeronauties Board has under consideration the adoption of a new Part 228 of its Economic Regulations which would require air carriers certificated to carry property to give notice to the public, connecting carriers, and the Board whenever conditions beyond their control make necessary the application of any embargo as to any type or class of cargo otherwise acceptable.

The reasons for the proposed regulation are explained in the explanatory statement and the proposed new Part 228 is set forth below.

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before April 9, 1958, will be considered by the Board before taking final action on the proposed rule.

This regulation is proposed under the authority of sections 205 (a), 401, 403, and 404 of the Civil Aeronautics Act of 1938, as amended; 52 Stat. 984, 987, 992, 993; 49 U. S. C. 487, 483, 484.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. Under section 404 (a) of the Civil Aeronautics Act it is the duty of air carriers certificated to transport property to transport all cargo duly tendered, except to the extent of lawful limitations in tariffs, and except as otherwise provided in their certificates and in Board regulations. However, from time to time the Board has received informal complaints from shippers regarding the refusal of air carriers certificated to transport property to accept cargo for transportation. While such embargoes may be imposed for valid reasons and may be of a temporary nature, they are often established without advance notice to shippers. The lack of such notice results not only in expense to the shippers but also in loss of time to persons who seek to avail themselves of the inherent advantages of air transportation. The Board believes that this situation would largely be avoided if the carriers gave reasonably adequate notice of embargoes.

The attached proposed new Part 228 of the Economic Regulations establishes requirements for the content and public posting of embargo notices. This proposal would not require the notice to be published in the manner required of tariffs. The proposal would, however, require the contents of the notice to be set forth in a manner that can be easily read by the public and such notice to be posted in a conspicuous and public place at each of the carrier's offices where cargo is received. A copy of the notice would also be required to be given to connecting carriers. When the notice of embargo does not specify the date upon which the embargo will be lifted, a notice of termination or modification would be required to be posted, and copies thereof sent to connecting carriers, in the same manner and to the same extent as the original notice of embargo.

Copies of embargo notices and notices of their termination or modification, would also be required to be filed with the Board so that it may be informed as to the practices of air carriers in these respects.

Accordingly, it is proposed to promulgate a new Part 228 of the Economic Regulations, 14 CFR Part 228, as follows:

PART 228—EMBARGOES ON CARGO

§ 228.1 *Notice of embargo.* Whenever any certificated air carrier finds that because of lack of facilities or personnel, or because of known inability to effect delivery, or because of other compelling circumstances not within the control of the carrier, it is, or will be, unable to transport all cargo tendered, making necessary temporary discontinuance of its usual service in the transportation of any particular commodity, type or class of cargo, over any route or segment thereof, and to or from any area, or point, or connecting carrier, said carrier shall give immediate public notice of such embargo.

§ 228.2 *Contents of embargo notice.* The contents of the notice of embargo required by § 228.1 shall be legible and shall describe with particularity the cargo to be embargoed, specify the commodity or commodities, types or classes of cargo to which the embargo is applicable, and set forth the area, routes, or points affected, the date of its application and the duration if known, together with reasons for the application of said embargo. If the embargo is applicable only to cargo transported on certain types of equipment, the equipment types and flights subject to such embargo shall be specified.

§ 228.3 *Nature of public notice.* The embargo notice required by this part shall be posted in a conspicuous and public place at each of the carrier's offices where cargo is received. One copy of the notice of embargo shall be sent to each connecting carrier at each point of usual cargo interchange. Two copies shall be mailed to the Tariffs Section of the Civil Aeronautics Board at Washington, D. C.

§ 228.4 *Notice of termination or modification of embargo.* Except when the notice of embargo sets forth the specific date upon which the embargo will be lifted, a notice of the termination or modification of the embargo shall be posted, and copies thereof shall be sent to each connecting carrier and shall be filed with the Board in the same manner and to the same extent as the original notice of embargo.

§ 228.5 *Rule of construction.* This part shall not be construed as relieving any air carrier of its duty to furnish authorized transportation service or to observe all requirements of the Civil Aeronautics Act of 1938, as amended, and the rules and regulations promulgated thereunder.

[F. R. Doc. 58–1770; Filed, Mar. 7, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUPPLY OF SPANISH TYPE PEANUTS FOR 1958–59 MARKETING YEAR

NOTICE OF PROPOSED DETERMINATION

Pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), the Secretary of Agriculture is preparing to determine whether the supply of Spanish type peanuts for the 1958–59 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358 (c) of the act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Spanish type peanuts for the 1958–59 marketing year will be insufficient to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are presented at a hearing to be held on Friday, March 14, 1958, at 9:30 a. m., e. s. t., Room 5968 South Building, U. S. Department of Agriculture, Washington, D. C., or which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than March 14, 1958.

Done at Washington, D. C., this 6th day of March 1958.

[SEAL] WALTER C. BERGER, *Administrator.*

[F. R. Doc. 58–1791; Filed, Mar. 7, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 832]

BASIS FOR PROPORTIONAL RATES IN PUERTO RICO TRADE

NOTICE OF INVESTIGATION AND OF HEARING

On February 27, 1958, the Federal Maritime Board entered the following order:

It appearing that there has been filed with the Federal Maritime Board a tariff schedule setting forth new reduced rates and charges, and new rules, regulations and practices affecting such rates and charges applicable between United States points, places and terminal areas on the one hand and points and places in the Commonwealth of Puerto Rico on the other, to become effective February 28, 1958, designated as follows:

L. A. Parish, Agent for Waterman Steamship Corporation of Puerto Rico; Supplement No. 1 to F. M. B. F No. 3;

And it further appearing that upon consideration of the said schedule and protests thereto, there is reason to believe that it would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rule, rates, charges, rules and regulations contained in said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That the operation of said schedule be and it is hereby suspended in full and that the use thereof be deferred to and including June 28, 1958, unless otherwise ordered by this Board;

It is further ordered, That neither the schedule hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board;

It is further ordered, That there shall be filed immediately with the Board by L. A. Parish, Agent, Waterman Steamship Corporation of Puerto Rico a consecutively numbered supplement to tariff FMB F No. 3 which shall reproduce the portion of this Order wherein the suspended designated supplement is described, and shall state that such supplement is suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the twenty-ninth day of June 1958, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred nor those which sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board;

It is further ordered, That copies of this order shall be filed with said tariff in the Regulation Office of the Federal Maritime Board; that a copy hereof be forthwith served upon Waterman Steamship Corporation of Puerto Rico and L. A. Parish, Agent; and said carrier and agent be, and they are hereby, made respondents in this proceeding; and

It is further ordered, That the investigation herein ordered be assigned for

hearing before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner; that the respondents and protestants herein be duly notified of the time and place of the hearing herein ordered; and that notice of such hearing be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5 (n) of said rules.

Dated: March 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–1766; Filed, Mar. 7, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8957]

WESTERN TRANSPORTATION CO., INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Western Transportation Co., Inc., doing business as W. T. C. Airfreight Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned for March 5 is postponed to April 7, 1958, 10:00 a. m., e. s. t., Room E–210, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., March 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–1771; Filed, Mar. 7, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Civil Aeronautics Administration has filed an application, Serial No. Anchorage 039106, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for "Air Navigation Aid "H" Marker".

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Monument "A" CAA 1957, marked by a brass cap, at approximately latitude 61°22'10" N. and longitude 150°16'06" W. go south 450'; thence West 450' to the true point of beginning; thence North 1,200'; thence East 1,200'; thence South 1,200'; thence West 1,200' to the Point of Beginning.

Containing 33.06 acres more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58–1769; Filed, Mar. 7, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–7]

ISOTOPES SPECIALTIES CO.

NOTICE OF PROPOSED ISSUANCE OF BYPRODUCT AND SOURCE MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct and Source Material License to Isotopes Specialties Company, Inc., 170 West Providencia, Burbank, California, substantially in the form set forth in Annex "A" below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is also set forth below as Annex "B" a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 26th day of February 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

ANNEX "A"

PROPOSED BYPRODUCT AND SOURCE MATERIAL LICENSE

Isotopes Specialties Company, Inc., 170 West Providencia, Burbank, California, on December 10, 1957, filed its application for a Byproduct and Source Material License as defined in Part 30 "Licensing of Byproduct Material," Title 10, Chapter 1, CFR and Part 40, Title 10, Chapter 1, CFR "Control of Source Material," to collect, prepare for disposal and dispose of byproduct and source material waste.

The Atomic Energy Commission has found that:

A. The application for a specific license to dispose of byproduct and source material waste is for a purpose authorized by the act.

B. The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life and property.

C. The applicant is qualified by training and experience to use the material for the purpose requested in such manner as to protect health and minimize danger to life and property.

D. The applicant's proposed procedures are adequate to protect health and minimize danger to life and property.

E. The applicant meets the Standards for issuance of a license as defined in § 40.22, 10 CFR Part 40.

Pursuant to the Atomic Energy Act of 1954 and Title 10, Code of Federal Regulations, Chapter 1, Part 30, "Licensing of Byproduct Material" and Title 10, Code of Federal Regulations, Chapter 1, Part 40, "Control of Source Material," and in reliance on statements and representations heretofore made by the applicant, a license is hereby issued to Isotopes Specialties Company, Inc., Industrial Department, 170 West Providencia, Burbank, California, to receive, acquire, own, possess, transfer and import byproduct and source material listed below; and to use such byproduct and source material for the purpose(s) and the place(s) designated below. This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, and is subject to all applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to any conditions specified below.

1. License No. 4–580–6A60.

2. Expiration date January 31, 1960.

3. Material licensed: Any byproduct material between atomic numbers 3–83 inclusive and source materials. Chemical and/or physical form: Any waste materials.

4. Maximum amount of byproduct material which the licensee may possess at any one time: 100 curies total. Licensee authorized to receive possession of and title to not more than 2,000 pounds of uranium and/or thorium contained in source material during the term of this license.

5. Authorized Use:

a. Collection of byproduct and source materials in the form of wastes from AEC licensed users

b. Preparation of waste materials for storage and disposal

c. Sea disposal of byproduct and source material wastes

6. Byproduct and source materials to be handled by or under the supervision of Allen M. Goldstein.

7. Written administrative instructions covering appropriate radiological protection phases of operational procedures and establishing responsibility for radiological protection, control, and security of the byproduct material shall be supplied individuals handling or having responsibility for handling of such material.

8. At least 10 days prior to each disposal event, the licensee shall notify the Atomic Energy Commission of the ownership and description of vessel used for sea disposal, proposed date for disposal, location (longitude and latitude) of disposal site, total number of containers (barrels, etc.), the total activity in millicuries and the most hazardous radioisotope(s) contained in each container.

9. Every motor vehicle transporting licensed material outside of a restricted area

in quantities greater than 500 millicuries must be marked or placarded "Caution—Radioactive Material" on each side and the rear with a placard or lettering not less than 3 inches high on a contrasting background.

10. Licensed material to be handled and used in accordance with application dated December 2, 1957.

ANNEX "B"

MEMORANDUM

Isotopes Specialties Company, Inc., 170 West Providencia, Burbank, California, has submitted an application for a Byproduct and Source Material License to collect, prepare for disposal and dispose of byproduct and source material waste. The application has been reviewed and it has been determined that the licensed material can be handled and disposed of in accordance with Federal regulations. This determination was reached after consideration of the following:

1. *Experience of personnel.* The administrative procedures specify that the operation will be by or under the supervision of members of the Isotope Committee of Isotopes Specialties Company, Inc. The members of the Isotope Committee have had sufficient training and experience in the handling and disposal of radioactive materials to provide assurance that the material will be handled and used in such a manner as to protect health and minimize danger to life or property.

2. *Equipment and facilities.* Isotopes Specialties Company, Inc., owns a truck, necessary devices for loading and unloading the vehicles, and remote handling equipment which appears to be commensurate with their proposed program. The applicant has indicated that transportation will be in accordance with I. C. C. regulations. The driver is provided with instructions to follow in the event of a road emergency. Safety equipment includes radiation survey instruments, personnel monitoring devices, protective clothing, respiratory equipment, remote handling devices and air sampling equipment. Adequate storage facilities are available for holding the waste prior to final disposal.

The procedures outlined by the applicant are to be used with the above equipment and facilities during the handling and storage of the licensed material and minimize radiological safety hazards. All vehicles and/or vessels utilized in the transportation of drums for ultimate disposal are to be surveyed and any detectable contamination is to be removed from the transportation vehicle or vessel. It appears that the facilities, equipment and procedures are adequate for the proposed radioactive waste disposal program.

3. *Procedures.* The waste is to be disposed of in at least 1,000 fathoms of water. The packaging procedures indicate that the final package will not have any voids or an intercontainer and will have a weight of 700 pounds/55 gallons which should insure sinking of the containers. The packages (primarily 55 gallon barrels) are to be labeled in accordance with the AEC approved procedures. Records will contain information from the waste producer as to the identity and amount of radioisotope and packaging and disposal. The proposed record system appears to be adequate to assure compliance with provisions contained in 10 CFR Part 30.

4. *Site and method of disposal.* Prior to any disposal event, a site is to be selected with the U. S. Coast Guard. The site is to be in water at least 1,000 fathoms deep and outside normal shipping lanes. In addition, at least 10 days prior to disposal the Atomic Energy Commission, the U. S. Coast Guard and the State of California are to be notified of the time and the place of disposal in order that they may review the location prior to actual disposal of the waste. A qualified member of Isotopes Specialties Company who is familiar with the administrative procedures, together with proper instrumentation for measuring dose rates and detecting contamination is to accompany each transfer of drums to the pier and accompany the disposal crew on the sea journey. Only Isotopes Specialties Company's personnel are to handle the drums directly. Film badges are to be worn by all personnel engaged in the transportation and disposing of drums.

The disposal of radioactive waste of the types and levels specified in the application in 1,000 fathoms of sea water, when packaged in such a manner as to provide reasonable assurance that the material reaches the bottom is considered to be a safe method of radioactive waste disposal. The concentrations of radioactive material released into sea water when diluted with the available dilution media at this depth are highly unlikely to exceed and in all probability will be far less than the permissible concentrations for drinking water in unrestricted areas as specified in Part 20, "Standards for Protection Against Radiation." Further, this method of disposal provides reasonable assurance that persons in unrestricted areas will not receive radiation doses in excess of permissible levels and concentrations in unrestricted areas as specified in Part 20.

5. *Conclusions.* Based on the above considerations it is concluded that: There is sufficient information to provide reasonable assurance that the activity authorized under the proposed license can be carried out without undue risk to the health and safety of the public.

Dated: February 26, 1958.

For the Division of Licensing and Regulation.

H. L. PRICE,
Director.

[F. R. Doc. 58–1755; Filed, Mar. 7, 1958; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

CARLTON S. DARGUSCH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER September 14, 1957 (22 F. R. 7387).

Dated: March 5, 1958.

CARLTON S. DARGUSCH.

[F. R. Doc. 58–1763; Filed, Mar. 7, 1958; 8:47 a. m.]

MORRIS A. LIEBERMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last report.

This amends statement previously published in the FEDERAL REGISTER September 14, 1957 (22 F. R. 7387).

Dated: March 6, 1958.

MORRIS A. LIEBERMAN.

[F. R. Doc. 58–1764; Filed, Mar. 7, 1958; 8:47 a. m.]

ROBERT J. HARBISON, III

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) of (6) of the Defense Production Act of 1950, as amended.

Stocks added to Agency Account in Trust Dept. of Phila National Bank since last filing:
American Gas & Elec.
Atlantic Refining.
Blaw Knox.
E. I. Dupont de Nemours.
General Electric.
Gen Public Utilities.
Insurance Co of N. America.
Pennsalt Chemicals.
Phila Electric Co.
Scott Paper.
Standard Oil of N. J.
No deletions or other changes.

This amends statement previously published in the FEDERAL REGISTER September 10, 1957 (22 F. R. 7216).

Dated: March 5, 1958.

ROBERT J. HARBISON, III.

[F. R. Doc. 58–1765; Filed, Mar. 7, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1790]

HARDROCK MINING SYNDICATE

NOTICE OF AND ORDER FOR HEARING

MARCH 3, 1958.

I. Hardrock Mining Syndicate (Hardrock), a Nevada corporation, 40 Dio Drive, Las Vegas, Nevada, formerly located at 139 North Virginia Street, Reno, Nevada, filed with the Commission on June 16, 1955, a notification on Form 1–A and an offering circular, and filed various amendments thereto, relating to an offering of 6,000,000 shares of its 5-cent par value common stock at 5 cents per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

II. The Commission on January 29, 1958 issued an order pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Los Angeles Branch Office of the Commission, 1737 U. S. Post Office and Court House, Los Angeles 12, California, at 10 a. m., Pacific standard time, on April 28, 1958, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with in that Hardrock has failed to file reports of sales on Form 2–A as required by Rule 224 and as requested by the staff;

2. The notification and offering circular contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in the following respects, among others:

a. In failing to disclose Edgar P. Lyons, secretary-treasurer and director of the company; John McClelland Abrams, president and director, Thomas P. Sidwell, vice-president and director, and Willard W. Wallace, director, resigned from their respective positions and disposed of all or most of the shares issued to them by the company.

b. In failing to reflect the uses of $60,000 in cash advanced to the company.

c. In failing to reflect the status of the company's options to purchase property; and

3. The use of the offering circular would operate as a fraud and deceit upon purchasers.

B. Whether the order dated January 29, 1958 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered,* That James G. Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Hardrock Mining Syndicate, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before April 24, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–1758; Filed, Mar. 7, 1958; 8:46 a. m.]

[File No. 24S–1586]

TEXAS-AUGELLO PETROLEUM EXPLORATION CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 3, 1958.

I. Texas-Augello Petroleum Exploration Co., an Alaska corporation, with an office at Room 7, 4th Building, P. O. Box 859, Anchorage, Alaska, filed with the Commission on January 2, 1958, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 1,222,000 shares of its common stock, par value 10 cents a share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the Regulation A exemption for the above filing is not available in that the notification and offering circular, as amended, contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading concerning, among other things,

(a) The failure to disclose the identity of the lessor of the Augello lease and any material interest of Carlo Augello, the company's secretary-treasurer, in said lease;

(b) The failure to disclose in the "Use of Proceeds" the provisions, if any, made for payment of the $100 monthly rental due on the La Salle lease commencing February 7, 1958, or to show other arrangements for payment of this obligation;

(c) The failure to disclose that the Augello lease, as well as the Grillo and Mence leases, has only a remote chance of producing at all from the horizon in which the Prather well and Palermo well have been productive;

(d) The failure to disclose that the La Salle lease has only a remote chance of yielding a profitable recovery of natural gas and distillate;

(e) The failure to disclose with regard to the Alaska acreage the distance from the company's lease to the Richfield producing well near Anchorage;

(f) The failure to disclose that the relatively small amount of acreage is not commensurate with the risks involved in such an expensive deep test well;

(g) The failure to disclose that the Mann well on the Augello lease described as abandoned was drilled after completion of the Prather and Palermo wells;

(h) Detailed data for an 8,500-foot well, whereas there appears to be no reasonable basis for drilling a well to that depth on any of the leases now owned by the company; and

(i) The reference in the financial statements under "cash disbursements" of an item, "Purchase of Treasury Stock (W. N. Johnson, $1,000.00—Charles Johnson, $750.00) * * * $1,750.00," and the failure to disclose such shares, the number of which is not indicated, as treasury stock in the "Statement of Capital Shares" or the disposition of such shares.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–1759; Filed, Mar. 7, 1958; 8:46 a. m.]

[File No. 812–1137]

CONCORD FUND, INC., AND CONCORD COUNSELORS, INC.

NOTICE OF APPLICATION FOR EXEMPTION FROM PROVISIONS REQUIRING INVESTMENT ADVISORY CONTRACT TO HAVE APPROVAL OF STOCKHOLDERS

MARCH 3, 1958.

Notice is hereby given that Concord Fund, Inc., a registered open-end diversified management investment company, and Concord Counselors, Inc. ("Counselors"), a corporation providing investment advisory services to Concord Fund, Inc. pursuant to a written contract, have filed an application pursuant to sections 6 (c) and 15 (a) of the act, for an order exempting a letter agreement dated January 9, 1958, which constitutes a written investment advisory contract, from the provisions of section 15 (a) of the act to the extent that such statutory provision might be construed to require approval by a vote of a majority of the outstanding voting securities of Concord Fund, Inc. Applicants also request an exemption from section 15 (a) of the act of all actions of Counselors which may

have been taken as investment adviser since January 6, 1958.

Counselors has provided investment advisory services to Concord Fund, Inc., since October 1949 pursuant to a written contract in accordance with the provisions of sections 15 (a) and 15 (c) of the act. The contract provided, among other things, that it would automatically terminate in the event that it is assigned by either party. Assignment is defined in the contract, as it is in section 2 (a) (4) of the act, i. e., as including "any direct or indirect transfer * * * by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor."

Counselors has issued and outstanding 175 shares of capital stock, of which 100 shares were owned by Dr. Charles F. Roos, prior to his death on January 6, 1958, and the balance is owned by Waddill Catchings, president and director of Counselors. The applicants assume that the death of Dr. Roos, and the resulting transfer of the 100 shares to Dr. Roos' estate by the operation of law, may have operated as the transfer of a controlling interest in Counselors, and may have effected a termination of the investment advisory contract. Under the circumstances, applicants believe that an exemptive order should be obtained in order to eliminate any doubt as to the legality of Counselors to continue to furnish investment advisory services to Concord Fund until the shares of Counselors previously owned by Dr. Roos are disposed of by his estate and a new contract is approved by the stockholders of Concord Fund. In the meantime Concord Fund, acting pursuant to authority of its board of directors, entered into a letter agreement with Counselors on January 9, 1958, providing for continued service under the terms of the investment advisory contract previously in effect. The authorization for continued service was approved by the majority of the board of directors of Concord Fund, including three directors who were not parties to the agreement or affiliated persons of either party, subject, however, to approval under the act.

The applicants state that since the death of Dr. Roos, no change has been made by Counselors in its policies, practices or services under its previously existing contract with Concord Fund and that none is contemplated.

The letter agreement of January 9, 1958, provides that it is to continue in effect until the shares of Counselors previously owned by Dr. Roos are disposed of by his estate and in no event later than the final adjournment of the next annual meeting of the shareholders of Concord Fund. Such meeting is scheduled to be held on the first Tuesday in December 1958, at which time the company proposes to submit to its stockholders a new investment advisory contract.

Section 15 (a) of the act provides, among other things, that no person shall serve as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the outstanding voting securities of such registered company and which provides for its automatic termination in the event of its assignment by the investment adviser. The Commission may exempt transactions from the requirements of the act pursuant to section 6 (c) thereof to the extent that such exemption is necessary or appropriate to the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than March 14, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. Any time after said date the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–1760; Filed, Mar. 7, 1958; 8:46 a. m.]

[File No. 24A–1132]

FLORIDA REAL ESTATE INVESTORS SYNDICATE

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 4, 1958.

I. Florida Real Estate Investors Syndicate, 41 Northeast First Avenue, Dania, Florida, filed with the Commission on July 26, 1957, a notification on Form 1–A and an offering circular relating to an offering of 2,900 $100-face value 7 percent debenture bonds at $99.00 each and 5,900 shares of $1.00 par value common stock, at par, for a combined aggregate offering price of $292,100. The amount of the offering was reduced by an amendment filed October 10, 1957, to 2,500 $100-face value debenture bonds at $99.00 each and 2,500 shares of $1.00 par value common stock at par, aggregating $252,500.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification fails to contain information required by Item 9 with respect to the sale of unregistered securities by the issuer within the one-year period immediately preceding the date on which the notification was filed;

2. The amendment to the notification was not signed, as required by Rule 255 (d);

3. The offering circular fails to contain:

(i) The estimated amount of proceeds to be used for each of the purposes listed, the order of priority thereof, and the estimated amount of expenses of the offering, as required by Items 4 (a) and 6 (a);

(ii) An adequate description of the properties to be operated and developed by the issuer, as required by Item 8C;

(iii) A description of direct and indirect interests in the issuer of all officers, directors and promoters, and a comparison of the percentage of stock ownership and amount of invested capital as between such insiders and the general public, as required by Items 9 (c) and 9 (d), assuming this entire issue is sold;

(iv) The financial statements required by Item 11 (a).

B. The notification and offering circular contain untrue statements of material facts or omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; concerning, among other things:

1. The names of insiders to whom unregistered securities were sold within one year prior to the filing of the notification and the number of shares sold to each;

2. The statement relating to the declaration of dividends when the issuer has no operating history;

3. The estimated amount of proceeds to be used for each purpose listed and the priority thereof;

4. The direct and indirect interest in the issuer of each officer, director and promoter, and the percentage of stock owned by them as a group together with the cash amount of their investment as compared with the percentage of stock to be owned by the public and the amount of the public's cash investment, if all securities offered are sold;

5. The issuer's proposed business activities and its general localities, and

6. The failure to disclose that the issuer has no operating capital but is entirely dependent for funds upon the proceeds from the sale of the proposed issue and the payment of subscriptions by insiders.

C. The issuer has failed to cooperate in furnishing requested information.

D. The offering would be made in violation of Section 17 of the Securities Act of 1933.

III. *It is therefore ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice,

however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-1761; Filed, Mar. 7, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 5, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34520: *Sulphur—New Mexico and Texas points to eastern points.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7235), for interested rail carriers. Rates on sulphur (brimstone), crude, carloads from Hobbs, N. Mex., and specified points in western Texas to specified points in central, trunk-line and New England territories.

Grounds for relief: Market competition and destination grouping.

Tariff: Supplement 76 to Agent Kratzmeir's tariff I. C. C. 4177.

FSA No. 34521: *Iron and steel articles—Des Moines, Iowa, to Illinois territory.* Filed by W. J. Prueter, Agent (WTL No. A-1967), for interested rail carriers. Rates on iron and steel articles, carloads from Des Moines, Iowa to specified points in Illinois, Iowa, Missouri, and Wisconsin, also points in Michigan and Wisconsin in extended zone C territory as described in the application.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 20 to Agent Prueter's tariff I. C. C. A-4194.

FSA No. 34522: *Fresh meats and packing house products—Madison, S. D., to South.* Filed by W. J. Prueter, Agent (WTL No. A-1968), for interested rail carriers. Rates on fresh meats and packing house products, carloads from Madison, S. D., to points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Helena, Ark.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariff: Supplement 88 to Agent Prueter's tariff I. C. C. A-3911.

FSA No. 34523: *Lumber—Barmac and Douglas, N. C., to interstate points.* Filed by O. W. South, Jr., Agent (SFA No. A3617), for interested rail carriers. Rates on lumber and related articles, carloads from Barmac and Douglas, N. C., to points in official (including Illinois), western trunk-line and southwestern territories.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 185 to Agent Spaninger's tariff I. C. C. 1101 and four other schedules.

FSA No. 34524: *Rock salt—Detroit, Mich., to South Charleston, W. Va.* Filed by H. R. Hinsch, Agent (CTR No. 2367), for interested rail carriers. Rates on rock salt, loose in bulk, carloads from Detroit, Mich., to South Charleston, W. Va.

Grounds for relief: Market competition with producing points in Louisana moving via barge.

Tariff: Supplement 69 to Agent Hinsch's tariff I. C. C. 4198.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-1768; Filed, Mar. 7, 1958; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 4, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34516: *Phosphate rock—Florida mines to Huntington, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A3619), for interested rail carriers. Rates on phosphate rock, carloads from Bartow, Fla., and other Florida points to Huntington, Mo.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 85 to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 34517: *Phosphate rock—Florida mines to Palmyra, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A3620), for interested rail carriers. Rates on phosphate rock, carloads from Bartow, Fla., and other Florida points to Palmyra, Mo.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 85 to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 34518: *Soybeans—St. Louis, Mo., and East St. Louis, Ill., to Gulf ports.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soybeans, in bulk, carloads from St. Louis, Mo., and East St. Louis, Ill., to Mobile, Ala., and Pensacola, Fla., for export.

Grounds for relief: Port competition and relationships.

Tariff: Supplement 123 to Agent Spaninger's tariff I. C. C. 1353.

FSA No. 34519: *Iron and Steel Articles—Chattanooga, Tenn., to New Orleans, La.* Filed by O. W. South, Jr., Agent (SFA No. A3618), for interested rail carriers. Rates on iron and steel articles, carloads from Chattanooga, North Chattanooga, and Boyce, Tenn., to New Orleans, La.

Grounds for relief: Market competition with Birmingham, Ala.

Tariff: Supplement 35 to Agent Spaninger's tariff I. C. C. 1592.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-1741; Filed, Mar. 6, 1958; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 162-58]

DIRECTOR OF BUREAU OF PRISONS

DELEGATION OF AUTHORITY TO GRANT PERMITS FOR CERTAIN RIGHTS-OF-WAY

By virtue of the authority vested in me by section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby delegate to the Director of the Bureau of Prisons the authority vested in the Attorney General by the act of March 4, 1911, as amended by the act of May 27, 1952, 66 Stat. 95 (43 U. S. C. 961), and the act of September 3, 1954, 68 Stat. 1146 (43 U. S. C. 931c), to grant permits revocable at will, to States, counties, cities, towns, townships, municipal corporations, or other public agencies, and to public utility corporations for rights-of-way for electrical and communication poles, lines, and facilities over, across, and upon lands under the jurisdiction of the Attorney General and being administered by the Director of the Bureau of Prisons.

Dated: February 27, 1958.

WILLIAM P. ROGERS, *Attorney General.*

[F. R. Doc. 58-1767; Filed, Mar. 7, 1958; 8:48 a. m.]

Office of Alien Property

FRANZISKA REINHOLD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franziska Reinhold, 4 Zum Bruehl, Behringersdorf near Nuremberg, Germany: Claim No. 61194; $789.17 in the Treasury of the United States. Vesting Order No. 15542.

Executed at Washington, D. C., on February 28, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-1744; Filed, Mar. 6, 1958; 8:50 a. m.]